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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-56865-2024 (O&M)

Date of decision : 07.03.2025

Navpreet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ramneek Vasudeva, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

Mr. Sahil, Advocate
for respondent No.2/complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No. 245 dated 14.11.2021 (Annexure P-1), registered under Sections 307, 506 and 34 of IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Samrala, District Ludhiana (*wrongly mentioned as 'District Khanna' in the FIR*) along with all the subsequent proceeding having emanated therefrom on the basis of a compromise dated 27.01.2022 (Annexure P-2) arrived at between the parties.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of the statement made by respondent No. 2/complainant Harpreet Singh @ Harveer Singh alleging therein that on 10.11.2021, petitioner No. 1-Navpreet

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Singh, who was his friend, had come to his house along with petitioner No. 2- Amritpal Singh. Petitioner No. 1 had demanded some money and on his refusal to give the same, he had proclaimed that he would shot him if money was not given to him and then fired a shot upon him from his pistol, which pierced through his throat and exited from his mouth. He had become semi-conscious and was taken to hospital, wherein he was given medical treatment. After registration of the FIR, investigation proceedings were initiated. The petitioners were arrested and subsequently they were released on bail. The trial is going on.

3. This petition has been filed on the grounds that a compromise has taken place between the petitioners and respondent No. 2/complainant and in pursuance thereof, respondent No. 2 has agreed to get the aforementioned FIR quashed. The said compromise has also been reduced into writing and a copy thereof has been placed on record as Annexure P-2.

4. Respondent No. 2/complainant put in appearance through his counsel and admitted the factum of compromise. Direction was given to the parties to record their statements before the learned trial Court to show the genuineness of the compromise. The same were recorded on 15.02.2025. The statement of the Investigating Officer had also been recorded, as per which, the petitioners do not have any criminal antecedents.

5. Learned counsel for the petitioners contends that even though offence under Section 307 of IPC has been added in the instant case, however, neither respondent No. 2/complainant nor the other material witness i.e. his mother Jaswinder Kaur, while appearing before the learned trial Court as

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PW-1 and PW-2, respectively, have implicated the petitioners in commission of offences for which they have been booked and chargesheeted. Both these witnesses have turned hostile and stated that the petitioners had never fired any shot with the pistol upon the complainant to kill him. It is argued that the petitioners had been falsely implicated. The compromise arrived at between the parties is genuine, voluntary and without any pressure and, therefore, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceedings is liable to be quashed.

6. Learned counsel for respondent No. 2/complainant has stated that respondent No. 2 has no objection if the present petition is allowed and the impugned FIR is quashed in favour of the petitioners.

7. On the other hand, Ms. Himani Arora, learned Assistant Advocate General, Punjab has argued that the allegations against the petitioners are quite serious in nature. They have been booked, challaned and chargesheeted for commission of several offences including offence under Section 307 of IPC, which is non-compoundable. The same also falls under the category of heinous offences and is to be treated as a crime against the society and not against an individual alone. Respondent No. 2 had sustained a fire arm injury, which was obviously dangerous to life. Keeping in view the gravity of offence, no case has been made out for quashing of FIR on the basis of the alleged compromise. Hence, it is urged that the petition is liable to be dismissed. In support of her arguments, she has relied upon the authority cited as *State of Madhya Pradesh vs. Laxmi Narayan and others : (2019) 5 SCC 688*.

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8. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

9. At the outset, it will be beneficial to look into the scope and ambit of the Court's power under Section 528 of BNSS (*which is pari materia with Section 482 of Cr.P.C.*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are placed before the High Court. The power conferred under this section is very specific and to secure the ends of justice or to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein several guidelines have been laid down. Some of them, which are relevant for the purpose of disposal of the present petition, are reproduced as under:

“(1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;
(2) Where the allegations in the First Information Report and other materials, if any, accompanying the FIR do not disclose

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a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

10. The next question that arises for consideration before this Court is that as to whether the powers under Section 528 of BNSS can be exercised to quash the criminal proceedings in respect of offence under Section 307 of

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IPC, which is obviously non-compoundable in nature. In this context, it will be proper to firstly make reference to the observations made by Hon'ble Supreme Court in case reported as *Narinder Singh and others vs. State of Punjab and another : (2014) 6 SCC 466*, wherein it was observed as under :

“(vi) Offences under Section 307 I.P.C. would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 I.P.C. in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 I.P.C. is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 I.P.C. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

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11. While placing reliance upon *Narinder Singh*'s case (supra) and several other judicial pronouncements, Hon'ble Supreme Court observed as under in *Laxmi Narayan*'s case (supra) :

“15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst

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themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

(Emphasis supplied)

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12. Now coming to the peculiar facts and circumstances of the present case. As per the allegations, petitioner No. 1 had fired a shot with a pistol upon respondent No. 2, thereby causing him fire arm injury when he came to his house along with petitioner No. 2. As already mentioned above, neither respondent No. 2 nor his mother, who are the most material witnesses to the case have supported the prosecution version with regard to involvement of the petitioners in this case and both of them have resiled from their previous versions. Rather, PW-1/complainant is shown to have stated that the pistol brought by petitioner No. 1 to his house on the fateful day was picked up by him when the former had gone to bathroom and its trigger was pulled accidentally leading to firing a gun shot and injuring him and petitioner No. 1 did not fire any shot upon him. On considering the circumstance that respondent No. 1/complainant himself has not attributed the injury sustained by him to either of the petitioners and has not stated before the learned trial Court that either of the petitioners had done any act with such intention or knowledge and under such circumstance that if they by that act caused death, then they would have been held guilty of murder. In these peculiar circumstances, I have no hesitation in concluding that though a case of sustaining fire arm injury by respondent No. 2, which was obviously dangerous to life, has been made out but it cannot be stated that it were the petitioners, who had caused such injuries. Even otherwise, the parties have amicably resolved their dispute. I am of the firm opinion that the proceeding with trial would be a futile exercise as there are no chances of the conviction of the petitioners in view of the depositions made by respondent No. 2 and his

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mother before the learned trial Court. As such, ends of justice certainly require that the settlement arrived at between the parties be given effect by quashing the proceedings and it would rather be an abuse of process of law to let the trial remain pending. In support of this opinion, reliance is placed upon the observations made by Hon’ble Supreme Court in a recent judgment dated 11.02.2025 passed in Criminal Appeal No. 660 of 2025, titled as *Naushey Ali and others vs. State of U. P. and others*.

13. In view the discussion as made above, the present petition is allowed and FIR No. 245 dated 14.11.2021 (Annexure P-1), registered under Sections 307, 506 and 34 of IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Samrala, District Ludhiana (*wrongly mentioned as ‘District Khanna’ in the FIR*) is hereby quashed qua the petitioners along with all the subsequent proceedings having emanated therefrom.

07.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No